

PUBLIC CHAPTER NO. 214

SENATE BILL NO. 270

By Tracy, Harper, Marrero, Raymond Finney

Substituted for: House Bill No. 304

**By Hood, Gresham, Hardaway, Ferguson, Sontany, Pitts, Bass, DuBois,
Bone, Shaw, Brown, Favors, Yokley**

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, relative to motor vehicle crimes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, is amended by adding sections 2 through 5 of this act as a new part thereto.

SECTION 2. This act shall be known and may be cited as the "Tennessee Unattended Children in Motor Vehicle Safety Act".

SECTION 3. As used in this part:

(1) "Motor vehicle" means any self-propelled vehicle including a truck, truck tractor, motor bus, or other vehicle not operated exclusively or driven on fixed rails or tracks; and

(2) "Unattended child" means a child younger than seven (7) years of age who is not accompanied by another person who is at least thirteen (13) years of age.

SECTION 4. (a) It is an offense for a person responsible for a child younger than seven (7) years of age to knowingly leave that child in a motor vehicle located on public property or while on the premises of any shopping center, trailer park, or any apartment house complex, or any other premises which is generally frequented by the public at large without being supervised in the motor vehicle by a person who is at least thirteen (13) years of age if:

(1) The conditions present a risk to the child's health or safety;

(2) The engine of the motor vehicle is running; or

(3) The keys to the motor vehicle are located anywhere inside the passenger compartment of the vehicle.

(b) A violation of this section is a Class B misdemeanor punishable only by a fine of two hundred dollars (\$200) for the first offense.

(c) A second or subsequent violation of this section is a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500).

SECTION 5. (a) Any person violating the provisions of this part may be required, at the discretion of the court, to attend a community education course approved by the Department of Safety that includes education on the dangers of leaving young children unattended in motor vehicles in addition to or in lieu of any portion of other penalty imposed. If such course is approved by the department, it may be operated and conducted by a:

(1) County, municipality or other entity of local government;

(2) Nonprofit organization as defined by the Internal Revenue Code, 26 U.S.C. § 501(c)(3); or

(3) Private entity provided such entity meets all of the requirements of § 435-302(g) for private entities providing misdemeanor probation supervision services.

(b) A reasonable fee between fifty dollars (\$50.00) and one hundred seventy-five dollars (\$175) may be assessed for the community education course. No fee shall be assessed upon proof of a person's inability to pay. The fee shall apply only to community education courses which may be required pursuant to this section, and shall not apply to any program offered pursuant to the provisions of Title 49, Chapter 1, or to any other driving instruction school.

(c) By operating a community education course pursuant to the provisions of subsection (a), the entity operating or conducting such course consents to the inspection of all records concerning such course by the Department of Safety; provided, that inspection made pursuant to this subsection shall not preclude inspection of any records pursuant to any other applicable provision of law.

(d) Each court clerk shall provide a list of approved entities in such county to any person ordered to attend a community education course.

(e) Nothing in this section shall be construed to prohibit prosecution under any other provision of law.

SECTION 6. This act shall take effect on July 1, 2007, the public welfare requiring it.

PASSED: May 9, 2007



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 24th day of May 2007



PHIL BREDESEN, GOVERNOR